

Minutes of the August 23, 2013 Regular Council Meeting

Call to Order and Flag Salute at 3:30 PM by Mayor Serio

Council in Attendance: Audrey Serio, Gardner Bunting, Bill Weistling, Roy Williams, Todd Smallwood and Diane Tingle

Absent: Gene Langan (excused)

President's Report

- Mayor Serio, Town Manager Burke, Beach Patrol Captain Ferry and Council Member Tingle attended the yearly Lifeguard Award Ceremony presented by the Chamber of Commerce. The Chamber asks each town, Fenwick, S. Bethany, N. Bethany, Sea Colony, Bethany, and Middlesex to have each Captain nominate a Lifeguard who is the most outstanding or improved over the year. This year the Chamber held the event in the Chamber parking lot with entertainment. Fenwick's recipient was the only female nominated. The Chamber also gives each town \$500 to help support having the Lifeguards into September.
- Reorganization Meeting – The Council was reelected and the new Council person was sworn in. The officers were elected, and are the same as last year. Audrey Serio, President; Gene Langan, Vice President; Gardner Bunting, Treasurer; Diane Tingle, Secretary. The new Council person is Roy Williams.
- Mayor Serio is checking on all committees and members. The member selection will probably take place in September. The Council is going to look at these committees as well as the ad hoc committees and make sure they are necessary. New committees will be selected by having the past chair persons make recommendations to Council members and the town manager. We will have this completed by September. Last year we did not have enough applications and had to go into October. Also, there are some Board positions that will have to be filled.
- Mr. John Belian's funeral mass is September 24 at 11:00 AM at St Ann's Catholic Church on Rt. 26 if anyone is interested.

Topics for Discussion and Possible Action

- Bayside Striping Project – Town Manager Burke – We have discussed and resolved some of the issues with residents about parking on W. Atlantic St. which has become an issue since Ropewalk opened. We could handle the striping in several ways, we can contract it out or it can be sent to the Ad hoc Parking Committee for their thoughts, or not pursue the project. Mayor Serio said with the establishment of this committee it should be for parking issues only and then any recommendations be brought to council. Recommendations will have to be discussed with Chief Boyden for legal purposes. If you have any information, please pass it onto Council Member Bunting for discussion at their first official meeting.

Approval of Minutes: Motion to Approve the Minutes of July 26, 2013 Meeting - Council Member Weistling with amended wording.

Second - Council Member Smallwood

DISCUSSION-None

Town Manager Burke said the corrected spelling/name of the accounting firm is Tom Sombar & Co., CPAs, PA.

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Vote: All in favor of approving the minutes with the noted change (6-0)

Treasurer's Report:

Council Member Bunting stated we finished the year with a small surplus. The annual audit will start mid-September with Sombar & Co., CPAs, PA. Another note since we are starting a new year, we paid \$115,000 on the Public Safety Building, which leaves current balance of \$191,110.

Motion to accept the Treasurer's Report – Council Member Weistling

Second – Council Member Tingle

DISCUSSION – none

Vote: All in favor to accept the Treasurer's report (6-0)

Town Manager Report:

Town Manager Burke reiterated those items included in his written report.

- 2013 Beach Nourishment Project - Lead by Great Lake Dock and Dredge and coordinated by the US Army Corps of Engineers. Project overall went very well. He would like to give credit to the Beach Patrol Captain Ferry and his lifeguards for all their updates and photos on Twitter and Facebook.
- Cannon Street Park – John Merritt Marine will be installing the first phase next week for the kayak dock. Dennis Cappel will follow with planting the landscaping, rain garden and hardscapes. Public works will follow-up with the stone for parking spaces.
- Town Hall Sidewalk Improvement is out for bid. Bid opening is September 10 at 3 PM

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- Information Technology – The Town purchased a new laptop, and a new computer for Town Clerk Poole. Solutions Plus was tasked to develop a long-term IT Capital Plan (replacement values).
- Property taxes are being collected now and Building Official Schuchman will provide updates and the percentage collected. Taxes are due no later than September 15.
- FY13 Audit will commence on September 16th by Sombar & Co., CPAs, PA.
- Town Management is waiting on the final approval from DNREC to commence the fuel tank project.

Department Reports:

- Building Official – report included in the meeting packet. Building Official Schuchman noted that she issued: two (2) Rental, one (1) Resident Merchant and five (5) Outside Contractor licenses. Property tax bills collected to date, 30%.
- First CRS Outreach Project at the Fenwick Flick and handed out over 100 “No Smoking” bags with flood materials inside. Our second distribution will be at the Public Safety Buildings Open House on September 14th.
- Mr. John Belian’s widow had requested in his obituary that donations be made to the Town for the purchase of a wheelchair for the beach and we have received several donations.
- Public Works - report included in the meeting packet. Working with Town Manager Burke on Bayside striping project to prepare bids for the Ad hoc Parking Committee. DNREC is finishing up on the south end of town on the fencing and will be working on the dunes soon.
- Beach Patrol – report included in the meeting packet. Beach Patrol Captain Ferry said Great Lake did a good job keeping us informed on equipment movement and work schedules. All beach crossing were open the entire project. The Chamber dinner honoring the Lifeguards was very nice. Our recipient, Cailey Auburn is one of three (3) Auburn sisters that have worked for the town and is an exceptional employee. She received the Lifeguard of the Year Award. The National Competition went very well, Fenwick Island placed 4th overall.
- Police Department – report included in the meeting packet. The Chief invited everyone to the Public Safety Building Open House on September 14th. A new police vehicle and radios were purchased. He was able to negotiate both items and they came in under budget. Also, he was able to sell the old police cruiser for \$6,500.

Committee Reports:

- Beach Committee – Next scheduled meeting is September 7th at 9:00 AM, Town Hall.
- Environmental Committee – Beach Cleanup will be September 21st. Must sign up online to receive the tee shirt.
- Ad hoc Technology Committee – Members: Gene Langan, Mary Ellen Langan, Bill Weistling, Buzz Henifin, Frank Serio and Gardner Bunting – Discussions with Town Clerk Poole on trying to improve our website. Gene Langan had several ideas and showed other websites for ideas and ways to improve our website. Town Clerk Poole also provided information on our website capabilities and options. The committee will review those options at the next meeting. There was a discussion on digitizing the town records for archives.
- Ad hoc Parking Committee – Members: Gardner Bunting, Gene Langan, Diane Tingle, Gabby Mancini, Marc McFaul and Scott Mumford. Chief Boyden and Building Official Schuchman will assist on the legal side along with Town Manager Burke. The meeting will be on September 18th at 9:00 AM.
- Planning Commission: No report

Charter & Ordinance - New Committee – New committee member will include: Bill Weistling, Gene Langan, Diane Tingle, Roy Williams, Mike Quinn, Ben Waide and Winona Lewis. The next meeting will be September 17th at 9:30 AM at Town Hall.

Old Business – None

New Business – No Action to be Taken

- Council Member Weistling – It has been pointed out that recycle containers are not being put out or brought in. There was a request from Mr. Fager about the bike racks and benches stay out longer. Will discuss more in Public Participation.

Public Participation:

- Raymond Fager – 44 Oyster Dr. – Wanted the benches and bike rack to stay out longer, wasn’t sure why they were removed so early last year but would like them to remain out until Nov. 1st. Public Works Supervisor Reed said bike racks could stay out all year. Town Manager Burke said that the benches will be there until Nov. 1st. Mr. Fager addressed council about a dog barking next to his house for over 3 hours wanted to know

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what could be done. Chief Boyden stated that legally, if they are renters we can't force our way onto the property. We can do a follow-up the next day at the residence but we cannot go on the property and take the animal. Unfortunately, Sussex County doesn't have animal control and has no way of removing the animal from private property. Mayor Serio suggested that we should write a letter to the owner of the property, in reference to the renter. Chief Boyden said he would check the Town Charter and Ordinances. Mayor Serio said that ultimately it's the owner's problem to address with the renters. Council Member Smallwood suggested we look at the noise ordinance and issue a violation to the owner.

- Roderick LeFountain – 35 W. Atlantic St. – He wanted to know when the next parking committee meeting was going to be and if it is open to the public. Council Member Bunting said, Wednesday, September 18th, at 9 AM, open to the public. Mayor Serio, we are trying to establish a committee to make parking workable for the residential and commercial.
- Joel Brodsky – 912 Schultz Rd. – He wants to bring up again the parking lot at the end of Dagsboro St. and Coastal Hwy. Several issues, trash in parking lot and the pot holes from driveway entrance. I would like the town to address the pot holes at Dagsboro St. from the amount of traffic entering the property.
- Gail Warburton – 10 W. Farmington St. – Believes the parking committee is a good thing, however it should be balanced. You have three (3) residential (year round residents), two (2) businesses, and two (2) staff. It should be balanced with two (2) residents. Mayor Serio stated staff are not members. Also, we have three (3) year round council members and Council Member Bunting can add members if he feels it necessary. Council Member Bunting suggested submitting any ideas or suggestions in writing for the meeting and if you can't be present, please submit your suggestions/ideas in writing and include your name and phone number.
- Mike Quinn – 5 W. Houston St. - In walking the beach, I noticed that the beach replenishment stopped one (1) block from Lewes St., is this correct? Beach Patrol Captain Ferry stated that this was correct and was done on the other end of town for drainage purposes. Parking ticket amounts are up dramatically, what is causing this? Chief Boyden said that complaints are up, we have to follow through. As Mayor Serio said parking is an issue so we have to be more diligent. Is DNREC is going to start replacing the fence? Public Works Supervisor Reed said that DNREC will not remove any sand and they are replacing all fencing and wood poles.
- Mike Cebrick – 5 W. Atlantic St. – Are we allowed to discuss the parking issue on W. Atlantic St. or do we need to address them with the Parking Committee? Mayor Serio said they will need to know what the issue is. He evaluated W. Atlantic St. and Bunting Ave. Bunting Ave. runs North to South and there are no signs that are East and West. W. Atlantic St. is twenty five (25) miles per hour and Bunting is fifteen (15) miles per hour. Council Member Weistling stated it was changed before they controlled the traffic lights and people would come down Bunting to avoid the traffic lights. Mr. Cebrick wanted to know if W. Atlantic St. could be lowered to 15 miles per hour. Council Member Weistling said ~~they~~ there was no reason. It was requested that all the streets have 15 miles per hour speed limit signs. Mr. Cebrick also mentioned the letter about trash receptacle being left out over twelve (12) hours. Mr. Cebrick would like to have trash and recycle on the same day. Mr. Cebrick said he received a call from the post office that his mail could not be delivered because of trash cans. Mr. Cebrick complained about parking on streets. He asked Chief Boyden, do we ticket cars if their tires are on the black payment? Chief Boyden stated, if they are in a no parking zone, yes. He also said if they are blocking driveway, right away, blocking traffic, yes. Mr. Cebrick wanted to know what the right away is for residential. Mr. Cebrick also asked, if a tree is on ~~the right away, would it have to~~ the right-of-way, would it have to be removed?
- Russ Kimmel – 25 W. Atlantic St. – Because of the fence at Ropewalk, I have to pull out into the bike lane to see oncoming traffic. Mayor Serio said we are aware and you should come to the parking committee meeting with your ideas or if you can't make the meeting send in your suggestions to Council Member Bunting to be considered at the meeting.
- Carol Williams – 22 W. Atlantic St. - On May 13th, I called the State of Delaware because Ropewalk was putting up that fence at the corner of Atlantic St. and the highway. I have a small car, not an SUV and it's very difficult to see pass the fence to enter the highway. I spoke with Jay Salmon, he said it's not a state problem, it's a fence issue and you have to deal with the town and their ordinance. Council Member Smallwood agreed that he has had issues in that area. Mayor Serio said put that in writing and get to Council Member Weistling to address in the next Charter & Ordinance Committee Meeting.
- Buzz Henifin – 48 Windward Way – That particular ordinance, states the fence should only be four (4) feet tall and back from the curb by seven (7) feet. Building Official Schuchman said, that the fence is four (4) feet tall and is compliant with the town ordinance. Mayor Serio said we have to enforce what the ordinance says, if you think it needs to be changed then you need to send it to Charter & Ordinance and let them look at it. Town Manager Burke said, Building Official Schuchman has done her job, we have gone above and beyond meeting with the owners. Please take your concerns to Charter & Ordinance. It's a safety issue and we do take these things very seriously. Council Member Smallwood – Ropewalk has only been opened for nine (9)

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weeks, this is a summer issue and you probably won't have this issue in the winter. We will have all winter to work on this issue before next summer season.

- John Regan – 34 W. Atlantic St. - Asked a legal question. Can you change an ordinance that can make them tear down the fence after it was put up by the ordinance? Mayor Serio – the reason the fence was put up in the first place was to protect the children from the highway. They put the playground equipment there to make it family friendly.
- Bill Williams – 22 W. Atlantic St. - Wanted the council to consider a new capital project to start a dog park for the residents and change the ordinance we have now to allow dogs to go on the beach. Council Member Smallwood – the signs say prohibited until the end of September. Dogs are allowed on the beach from September 15th – May 15th. He also noted the fence issue at Ropewalk and feels it should be lowered for safety reasons.
- Gail Warburton – 10 W. Farmington St. – stated she knows that parking is an issue and understands the issue on W. Atlantic St. but has been here for ten (10) years with the issue on Farmington St. Trucks come in and park on the wrong side of the street, block entrances, face the wrong way. Mayor Serio asked her to come on the 18th.
- Joel Brodsky – 912 Schultz Rd. – Has asked to be on the Ad hoc Parking Committee but have not heard back. Believes he can be of help on the committee.
- Doris Jenkins – 7 W. Atlantic St. – Not only is parking an issue, when people can't find parking they turn around and zoom back up the street. Wants to have the speed limit lowered. Believes this is a safety issue for the residents.
- Buzz Henifin – 48 Windward Way – Two (2) houses are being built a stone's throw from my house and the contractors are parking everywhere. This has become an issue in blocking the street and my driveway. He called the Police Department and they has been helpful in correcting the issue. Tickets are being issued. He liked the information on the website following the beach replenishment. Keep information on the website for those that don't use twitter. Town Manager Burke reminded everyone of the social media presentation on Saturday, September 14th at 9:30 AM at Town Hall.
- Lynn Andrews – 1205 N. Schultz Rd. – Questioned why the streets that run North and South have no parking? Council Member Weistling said on Bunting parking became an issue when they couldn't get fire equipment down the street.

Upcoming Events and Meetings:

Mayor Serio announced all upcoming meetings and events.

September 9th, 10th, 11th – Bulk Trash Pickup

September 11th at 3:00 PM - Ad hoc Technology Committee

September 12th at 2:30 PM – Environmental Committee

September 14th from 10:00 AM – 1:00 PM – Public Safety Building Open House

September 18th at 9 AM – Ad hoc Parking Committee

September 19th – Yard Waste Collection

September 21st – Yacht Club Bonfire 5:00 PM – 10:00 PM

September 27th – 3:30 PM – Regular Council Meeting

October 15th from 7:00 AM – 3:00 PM – Fenwick Island Fishing Club Tournament

Motion to adjourn – Council Member Weistling

Second – Council Member Bunting

Meeting adjourned at 5:03 PM

Linda Poole, Town Clerk
for Diane Tingle, Secretary

Minutes of the June 28, 2013 Regular Council Meeting
